

Message Text

SECRET

PAGE 01 BONN 40148 01 OF 02 231625Z
ACTION EUR-00

INFO LOG-00 COPY-01 ADS-00 L-03 PM-10 ACDA-12 SDEL-03
/029 W

-----335163 231757Z /43

P 231623Z DEC 76
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 4171
INFO USMISSION USBERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
USMISSION USNATO

S E C R E T SECTION 01 OF 02 BONN 40148

E.O. 12356: DECL: OADR
TAGS: MNUC, PARM, BQG, GE
SUBJECT: INF INSPECTION PROTOCOL: ALLIED ROLE IN USE OF
FRG AIRSPACE

REF: (A) STATE 394837; (B) STATE 382127; (C) BONN 38426

1. BASED UPON A VIEW EXPRESSED BY THE QUAI D'ORSAY, THE BONN GROUP HAS SLIGHTLY REVISED THE PROPOSED DIPLOMATIC NOTE (REF C) AUTHORIZING THE FEDERAL REPUBLIC TO PERMIT INF INSPECTION OVERFLIGHTS INTO GERMAN AIRSPACE. AT FRENCH REQUEST, THE REFERENCE TO THE SETTLEMENT CONVENTION (THE POST-WAR AGREEMENT PROVIDING FOR CONTINUED ALLIED CONTROL OVER SOVIET OVERFLIGHTS OF FRG TERRITORY) HAS BEEN MOVED FORWARD IN THE NOTE, WHICH CORRESPONDINGLY HAS BEEN AMENDED TO STATE THAT THE ALLIES AND THE FEDERAL REPUBLIC HAVE HELD CONSULTATIONS, FIRSTLY, "ON THE BASIS OF" THE SETTLEMENT CONVENTION AND, SECONDLY, "IN CONNECTION WITH" THE BASING COUNTRY AGREEMENT (BCA).

2. THE FRENCH INSISTED UPON THE CHANGE OSTENSIBLY IN ORDER TO MAKE CLEARER THAT THEY, AS A NON-PARTY TO THE
SECRET

SECRET

PAGE 02 BONN 40148 01 OF 02 231625Z

BCA, SHOULD BE UNDERSTOOD TO BE CONSULTING ABOUT IT ONLY AS IT RELATES TO ALLIED RIGHTS AND RESPONSIBILITIES FOR BERLIN AND GERMANY AND A WHOLE. THE FRENCH VIEW ALSO LIKELY IS PREDICATED UPON THEIR DISPOSITION TO FORCE THE FEDERAL REPUBLIC TO ACKNOWLEDGE PUBLICLY AND AS OFTEN AS POSSIBLE THE DEGREE TO WHICH GERMAN SOVEREIGNTY REMAINS

COMPROMISED BY ALLIED PREROGATIVES. THE FEDERAL REPUBLIC WAS NOT PLEASED WITH THE FRENCH SUGGESTION, BUT HAS INDICATED IT WILL NOT OBJECT, IN THE INTERESTS OF QUICK FINALIZATION OF THE DIPLOMATIC NOTE. EMBASSY THEREFORE REQUESTS DEPT'S APPROVAL OF DRAFT DIPNOTE (REVISED TEXT AT PARA 5 BELOW).

3. THE TEXT OF THE REVISED NOTE ALSO DELETES THE QUALIFICATION "TO BE CONCLUDED" IN REFERENCE TO THE EXCHANGE OF NOTES BETWEEN EACH BASING COUNTRY AND THE SOVIET UNION. WE ASSUME, IN PART ON THE BASIS THAT THE MIRROR-IMAGE EXCHANGE OF NOTES BETWEEN THE US AND EAST BLOC BASING COUNTRIES IS ALREADY GOING FORWARD (REF A), THAT THE EXCHANGE OF NOTES BETWEEN THE USSR AND NATO BASING COUNTRIES ALSO WILL BE AN ACCOMPLISHED FACT AT THE TIME WE ULTIMATELY DISPATCH OUR NOTE ON OVERFLIGHTS OF FRG AIRSPACE. PLEASE ADVISE IF THIS ASSUMPTION IS INCORRECT.

4. WE NOTE, FOR DEPT'S ASSISTANCE IN REVIEWING DRAFT DIPNOTE, THAT THE FINAL VERSIONS OF THE INSPECTION PROTOCOL AND THE BCA LENGTHENED THE TIME PERIODS RELATING TO APPROVAL OF INSPECTION FLIGHT PLANS (REF B). THE INSPECTED PARTY NOW HAS THREE HOURS INSTEAD OF ONE TO APPROVE A FLIGHT PLAN, WHILE THE CORRESPONDING APPROVAL OBLIGATION PLACED ON THE BASING COUNTRY HAS BEEN EXPANDED TO NINETY MINUTES (VICE FORTY). IN THE VIEW OF THE ALLIED CIVIL AIR ATTACHES, WHO HAVE RESPONSIBILITY FOR ENSURING

SECRET

SECRET

PAGE 03 BONN 40148 01 OF 02 231625Z

THAT THE ALLIED VIEW ON INDIVIDUAL OVERFLIGHTS IS COORDINATED WITH GERMAN AVIATION AUTHORITIES, THIS ADDITIONAL TIME WILL BE HELPFUL IN REVIEWING INF INSPECTION FLIGHT PLANS CONSISTENT WITH THE TREATY DEADLINES.

5. BEGIN TEXT OF REVISED DRAFT DIPLOMATIC NOTE FROM US EMBASSY TO FRG FOREIGN OFFICE:

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE AUSWAERTIGES AMT OF THE FEDERAL REPUBLIC OF GERMANY AND HAS THE HONOR TO REFER TO THE AGREEMENT (HEREINAFTER REFERRED TO AS "THE BASING COUNTRY AGREEMENT") BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, THE REPUBLIC OF ITALY, THE KINGDOM OF THE NETHERLANDS AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND REGARDING INSPECTION RELATING TO THE TREATY (HEREINAFTER REFERRED TO AS "THE TREATY") BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE ELIMINATION OF INTERMEDIATE RANGE AND SHORTER RANGE

NUCLEAR MISSILES OF THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, SIGNED AT WASHINGTON ON DECEMBER 8, 1987, TO THE PROTOCOL REGARDING INSPECTION RELATING TO THE TREATY (HEREINAFTER REFERRED TO AS "THE INSPECTION PROTOCOL"), AND TO THE EXCHANGE OF NOTES BETWEEN EACH BASING COUNTRY AND THE UNION OF SOVIET SOCIALIST REPUBLICS.

THE EMBASSY HAS THE HONOR TO REFER ALSO TO CONSULTATIONS WHICH HAVE TAKEN PLACE BETWEEN THE EMBASSIES OF THE UNITED

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PAGE 01 BONN 40148 02 OF 02 231625Z
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S E C R E T SECTION 02 OF 02 BONN 40148

E.O. 12356: DECL: OADR
TAGS: MNUC, PARM, BQG, GE
SUBJECT: INF INSPECTION PROTOCOL: ALLIED ROLE IN USE OF
FRG AIRSPACE

KINGDOM, THE FRENCH REPUBLIC AND THE UNITED STATES OF
AMERICA AND THE AUSWAERTIGES AMT ON THE BASIS OF ARTICLE 6

OF CHAPTER 12 OF THE CONVENTION ON THE SETTLEMENT OF
MATTERS ARISING OUT OF THE WAR AND THE OCCUPATION OF 26
MAY 1952 (IN THE VERSION OF THE PROTOCOL OF 23 OCTOBER
1954) AND IN CONNECTION WITH THE OBLIGATIONS OF THE
FEDERAL REPUBLIC OF GERMANY UNDER THE BASING COUNTRY
AGREEMENT.

THE EMBASSY, ON INSTRUCTIONS FROM THE DEPARTMENT OF STATE,
CONFIRMS THE AGREEMENT REACHED IN THE SAID CONSULTATIONS
THAT THE FEDERAL REPUBLIC OF GERMANY MAY PERMIT AIRCRAFT
OF THE UNION OF SOVIET SOCIALIST REPUBLICS WISHING TO
UTILIZE ITS AIRSPACE FOR THE PURPOSE OF INSPECTIONS
UNDERTAKEN IN ACCORDANCE WITH THE TREATY AND THE
INSPECTION PROTOCOL TO PROCEED TO AND FROM THE RELEVANT
POINT OF ENTRY (AS DEFINED IN THE BASING COUNTRY

SECRET

SECRET

PAGE 02 BONN 40148 02 OF 02 231625Z

AGREEMENT) ON THE UNDERSTANDING THAT THE AIRCRAFT USED FOR
SUCH AN INSPECTION SHOULD FLY ALONG ESTABLISHED
INTERNATIONAL AIRWAYS (AS DEFINED FROM TIME TO TIME IN THE
AERONAUTICAL INFORMATION PUBLICATION (AIP) OF THE FEDERAL
REPUBLIC OF GERMANY).

THE EMBASSY OF THE UNITED STATES OF AMERICA AVAILS ITSELF
OF THIS OPPORTUNITY TO RENEW TO THE AUSWAERTIGES AMT THE
ASSURANCE OF ITS HIGHEST CONSIDERATION.

END TEXT.

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Message Attributes

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Draft Date: 23 DEC 1976
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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
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Margaret P. Grafeld
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